

82



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/791,529 | 03/01/2004 | Marko Areh | ZTP01P15159 | 3372 |

24131 7590 03/18/2005
LERNER AND GREENBERG, PA
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

PAHNG, JASON Y

ART UNIT PAPER NUMBER

3725

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/791,529 | Applicant(s) AREH ET AL. | |
| | Examiner Jason Y Pahng | Art Unit 3725 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/1/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 3, does the housing in parent claim comprise the "wall" in line 2 of claim 3?

With regard to claim 4, if the projections are detail limitations of the drive unit housing, it appears that the drive unit housing must be claimed before the projections are claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3, as well as can be understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Schorn et al. (US 6,814,321).

With regard to claim 1, Schorn discloses a food processor including:

1. a housing having a cylindrical outer wall (21) with at least two recesses (near 23 where 8 engages); said recesses having openings; and
2. a drive unit (column 4, line 24) having projections (5, 6, 7, 8) matching a shape of the openings and projecting through said openings.

With regard to claim 3, Schorn inherently discloses a wall running in radial direction because without such a wall it would be impossible to engage the projections (5, 6, 7, 8).

Claims 1, 3, and 8, as well as can be understood, are rejected under 35 U.S.C. 102(b) as being anticipated by McClean (US 5,551,335).

With regard to claim 1, McClean discloses a food processor including:

1. a housing having a cylindrical outer wall (11) with at least two recesses (for 13 and 14); said recesses having openings (for 13 and 14); and
2. a drive unit (10) having projections (13 and 14) matching a shape of the openings and projecting through said openings.

With regard to claim 3, McClean discloses a wall running in radial direction (bottom of 11). McClean's recesses (for 13 and 14) disclose cylindrical walls (Figure 1) where the projections (13 and 14) are engaged.

With regard to claim 8, McClean discloses a rotating element (15 and 16) driven by the drive unit (10) for pressing fruit.

Claims 1, 2, 4, and 7, as well as can be understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Wu (US 6,676,052).

With regard to claim 1, Wu discloses a food processor including:

1. a housing having a cylindrical outer wall (431) with at least two recesses (near the top of 431); said recesses having openings (at the top of 431); and
2. a drive unit (5) having projections (41 and 45) matching a shape of the openings and projecting through said openings.

With regard to claim 2, Wu's resilient projection (45) is oversized and pressed onto the opening.

With regard to claim 4, Wu discloses a drive unit housing with projecting lugs (42). Resilient element (45) is pressed onto the projecting lugs (45).

With regard to claim 7, Wu discloses another outer wall (wall of 22) bordering closely at and enclosing the cylindrical outer wall (431).

Claims 1, 2, and 6, as well as can be understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Enders (US 3,262,474).

With regard to claim 1, Enders discloses a food processor including:

1. a housing having a cylindrical outer wall (18) with at least two recesses (20); said recesses having openings (top of 20); and
2. a drive unit (all elements in Figure 4 except 18) having projections (16, 17, 21, 22, 24) matching a shape of the openings and projecting through said openings.

With regard to claim 2, Enders discloses a resilient element for (21) the projections (16, 21, 22, 24). The resilient element (21) is oversized.

With regard to claim 6, Enders discloses a bevel for the opening (near 27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5, as well as can be understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Lapps (US 2,481,848) in view of Truitt (US 2,138,716). Lapps discloses substantially all of the claimed structure including a cylindrical housing (9) with a drive unit having projections (14) with the exception of a strip. In a closely related art, Truitt discloses a food processor with a strip (17) for insertion of the drive unit. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lapps with a strip for insertion of the drive unit, as taught by Truitt.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y Pahng whose telephone number is 571 272


Art Unit: 3725

4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700